IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 10110 of 2004

Between:

K.V. Narsimha Rao, S/o K. Narayana Rao, age: 55 years,
R/o Venkatapuram, Kamavarapukota Mandal,
W.G. District.

... PETITIONER

AND

1 The Commissioner, Endowments Department,
Government of Andhra Pradesh, Boggulukunta,

Tilak Road, Hyderabad.
2 The Manager, Sree Seetharamaswamyvari Devasthanam,
Ravikampadu Village,Kamavarapukota Mandal, W.G. District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus: i) declaring the action of the Respondent authorities in putting the land admeasuring Ac. 11-44 cents in Sy.No. 44, situated in Ravikampadu village, Kamvarapukota Mandal, West Godavari District for auction as arbitrary, illegal and against all principles of natural justice; and be pleased to pass such other order or orders

Counsel for the Petitioner: MR.A.SUDERSHAN REDDY

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: Mrs.N.Indrani, Standing Counsel for Endowments.

The Court made the following :

O R D E R:

The petitioner seeks a writ of mandamus declaring the action of the respondents in putting the land in his possession to public auction as arbitrary and illegal.

The petitioner claims that he is the lessee in respect of Acs.11-44 cents situated in Sy.No.44 of Ravikampadu village of Kamavarapukota Mandal, West Godavari District. The said land is belonging to the second respondent temple. It is asserted that the lease in his favour is still subsisting and that he also paid lease amount for the year 2004.

On 22.06.2004, this Court while adjourning the matter to 28.06.2004 to enable the learned standing counsel for the second respondent to get instructions, directed that the petitioner shall not be dispossessed from the land in question, if he is not already dispossessed. Thereafter, the second respondent filed a counter affidavit on 28.06.2004 stating that the petitioner is not the cultivating tenant in respect of the land in question, and that one Sri K.Narayana Rao is the cultivating tenant, whose tenancy has already been terminated. It is further stated that the second respondent has conducted auction on 14.06.2004 for the leasehold rights in respect of the land in question, in which the tenant-K.Narayana Rao has participated and also deposited the bid amount of Rs.20,000/-, and that the petitioner never raised any objection for the said auction conducted on 14.06.2004. Having regard to the counter averments, this Court by an order dated 28.06.2004, vacated the interim order granted on 22.06.2004.

In the circumstances, nothing remains for adjudication in this writ petition, and accordingly, the writ petition is dismissed as infructuous. No costs.

2nd August, 2004.

pan/mdaa

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1) The Commissioner, Endowments Department,
Government of Andhra Pradesh, Boggulukunta,

Tilak Road, Hyderabad.

2) Two C.Cs. to the Govt. Pleader for Endowments,

High Court buildings, Hyderabad. (OUT)

3) The Manager, Sree Seetharamaswamivari Devasthanam,

Ravikampadu village, Kamavarapukota Mandal, W.G.Dist.

4) Two C.D. copies